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POWER ROGERS & SMITH, LLP- Chicago, IL

The Honorable Vince Chhabria, U.S.D.J.
Northern District of California
San Francisco Courthouse, Courtroom 4 - 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

**Re: *In Re: Facebook, Inc., Consumer Privacy User Profile Litigation*, MDL No. 2843,
Case No. 18-md-02843-VC (N.D. Cal.)**

Judge Chhabria:

Please accept this letter with the attached, résumé as my application for the Lead Counsel in the above captioned matter. (See Attachment A, Résumé). As detailed below, my firm and I believe we have the experience, resources and capacity to serve as Lead counsel. Alternatively, should the Court be inclined to consider a Plaintiffs' Steering Committee, I would be honored to serve with others on such a committee.

I am a plaintiff's trial lawyer. After receiving my MBA from Northwestern University and my JD from Loyola University of Chicago, I started my career as an Assistant Cook County Public Defender. I have since practiced in all areas of tort law. Currently, I am Co-Lead Counsel for the Economic Loss Track in *In Re: Takata Airbag Products Liability Litigation* before the Honorable Frederico A. Moreno. That matter has been acknowledged as the largest automotive recall in U.S. history. The plaintiffs are tens of millions of consumers, and involves over 50 million vehicles. That case was brought against many of the major manufacturers of vehicles in the world. Currently, the matter has successfully resolved against 6 manufacturers. My co-counsel and I were able to accomplish the prosecution of the *Takata* matter and reach those resolutions in less than three years. Over that period, we examined and analyzed millions of documents, including an enormous volume of foreign language documents, from multiple defendants and other sources; we initiated and maintained various causes of action based on laws of nearly all the states in the union; developed individualized theories of liability and damages against the defendants; and we deposed dozens of witnesses. During this time, we have also managed the effects of governmental civil and criminal investigations, and an ever expanding recall of vehicles.

I served as a co-lead counsel in *Price v. Phillip Morris Inc.*, No. 117689, a class action judgment relating to the sale of light cigarettes. I also served as a co-lead counsel and tried to judgment, *Chultem/Colella, et al, vs. Ticor Title Co., and Chicago Title Co.*, a class action/consumer fraud arising out of kickbacks made by title companies in Illinois real estate transactions. Along with this letter, a list of these and other representative matters, is contained on the second page of my résumé.

Throughout my career, I have specialized in complex litigation. On behalf of consumers and individuals, I have successfully pursued cases involving, among others, such national and international corporate entities as Boeing, United Airlines, American Airlines, Ford, Toyota, KPMG, General Motors, Mercedes-Benz, Honda, Nissan, Subaru, Chrysler, BMW, Mazda, Volkswagen, Agusta-Westland, Kubota Tractor Corporation, Beechcraft, McDonnell Douglas, Daher-Socata, Honeywell, Michelin, Wyeth, Johnson & Johnson, GE and Zimmer.

I have also handled a wide variety of matters. Individual economic loss matters include a verdict of \$17.6 million for an individual suing his accountants, KPMG, in a complex financial case for professional negligence arising out of billions of dollars in bond trading. Also, a multimillion dollar resolution from a hedge fund and its nationally known law firm, for an investor in the fund, that was essentially a Ponzi Scheme. That matter pended in multiple jurisdictions and included depositions nationally and internationally. Finally, in what hopefully expresses the confidence of at least some in the Illinois Judiciary, with my partner, Joseph A. Power, Jr., I obtained a record \$7 million dollar defamation verdict for a sitting Illinois Supreme Court Justice, the Honorable Robert R. Thomas.

I am a past president of Illinois State Bar, the Illinois Trial Lawyers and ATLA, now the American Association for Justice. In my leadership role in ATLA/AAJ, in September of 2001, I was proud to be involved in the creation and management of Trial Lawyers Care (TLC). TLC was formed and dedicated to give pro bono legal services to any family wishing to pursue justice through the September 11th Victim Compensation Fund, which we lobbied Congress to create as well. I served on the Board of Directors of TLC and was Chairman of its Development Campaign. By its conclusion, and during my time as President, TLC provided over 1,100 lawyers for representation to over 1,700 victim's families, and provided over \$200 million in legal services free of charge. It was the largest pro bono legal representation project in history. Through my work on behalf of various organizations, including TLC and AAJ and through now almost 41 years as a trial lawyer, I believe I have demonstrated a willingness and ability to work cooperatively with other attorneys on both sides of complex litigation and beyond.

I have been fortunate to be recognized in publication rankings as a top trial lawyer. In 2011, I was designated by Best Lawyers in America's publication as Mass Tort Lawyer of the year. In 2015, at the AAJ Montreal Convention, I received The Leonard M. Ring Champion of Justice Award from the American Association for Justice; their highest honor. In October 2015, I was honored to receive the Distinguished Award for Excellence from the Illinois State Bar Association Foundation. The Award recognizes the recipient's contributions to the law and society.

I currently serve on the Board of the National Center for State Courts, and recently finished a two year term as co-chair of the Lawyers Committee. I also am proud to have been asked to serve on the Conference of Chief Justices (CCJ) – Civil Justice Initiative- a project focused on implementing improvements in access to justice for the citizens of the 50 states.

Our firm, Power, Rogers & Smith, LLP, was founded in 1993, and is located in Chicago, Illinois. It is a diverse firm, including our founding and name partner, Larry R. Rogers, Sr., a past president of the Cook County Bar Association, the largest local African American Bar in the U.S., and now his son, Larry Rogers, Jr., likewise, is a past president of the Cook County Bar. Power

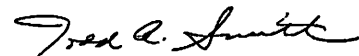
Rogers & Smith, LLP is consistently listed at the top of Chicago trial firms. Its name partners have long been listed by the well regarded "Best Lawyers in America" publication. I and my partners, Joseph A. Power, Jr., and Larry R. Rogers, Jr., are members of the Inner Circle of Advocates; a by invitation only organization limited to 100 of the nation's best plaintiff lawyers. Joseph A. Power now serves as the President of this group. Joseph and I are both Fellows in the International Academy of Trial Lawyers, as well as the American College of Trial Lawyers. In addition to the capabilities as trial counsel, the firm has the time, capacity and resources to make the financial commitments required by this MDL. Power Rogers & Smith, LLP has recovered nearly \$4 billion dollars in verdicts and settlements over the years. Power Rogers & Smith, LLP has finished at the top of the Chicago Lawyer (publication) Annual Settlement Survey - tracking compensation obtained for clients - in twelve of the last eighteen years, and has held that top position for the last eight consecutive years. Among many record awards is the highest compensation in a medical malpractice verdict of \$55.4 million dollars, as well as a record recovery of \$100 million dollars for a case involving the wrongful death of six children in a combined trucking and product liability case. Our investigation, resulting from that case, was supplied to the Federal Government and it helped lead to over 70 federal criminal convictions in a trucking license for bribes scandal. Firm cases have also resulted in widespread societal benefits including: the retesting of over 2000 truck drivers; product recalls; and a federal regulation championed ultimately by then President William J. Clinton, requiring hospital personnel to assist people in need of care within a reasonable distance or the sight of the hospital entrance.

This information, hopefully supports, the criteria concerning: the professional experience required to prosecute the claims at issue in this MDL; the willingness and ability to commit to a time consuming process; and the ability to cooperate with others, as well as lead, and access to sufficient resources while able to maintain reasonable fees and expenses.

Our firm and my recent success in the *Takata* Litigation, as well as our overall track record of success for clients, I hope would supply to this honorable court confidence in making an appointment to leadership of this extraordinarily important litigation.

Thank you, your Honor, for your consideration.

Respectfully submitted,



s/ Todd A. Smith

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